

Translation

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-1-150730	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP2003/009775	International filing date (day/month/year) 31 July 2003 (31.07.2003)	Priority date (day/month/year) 28 August 2002 (28.08.2002)
International Patent Classification (IPC) or national classification and IPC F28F 1/08		
Applicant TOYO RADIATOR CO., LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 31 July 2003 (31.07.2003)	Date of completion of this report 06 February 2004 (06.02.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/JP2003/009775

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/JP 03/09775

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations

- Document 1: JP 2002-168586 A (Toyo Radiator Seizo Kabushiki Kaisha), 14 June 2002
- Document 2: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 51269/1985 (Laid-open No. 170803/1986), (Aichi Kinzoku Kabushiki Kaisha), 23 October 1986
- Document 3: WO 00/39517 A1 (Valeo Thermique Moteur), 06 July 2000
- Document 4: JP 9-242548 A (Mazda Motor Corp.), 16 September 1997
- Document 5: JP 11-505011 A (David Bland PIERCE), 11 May 1999

The invention that is set forth in claims 1 and 2 does not involve an inventive step in the light of document 1 and document 2, which are cited in the international search report. It would be easy for a person skilled in the art to apply the invention that is taught in document 2, wherein indented deformations (15) are alternately formed in the left and right side surfaces of a tube in order to give an improved configuration with a form whereby the interior of the tubes can be cleaned easily and effectively, to the EGR cooler that is

disclosed in document 1, wherein both ends of the tubes communicate with headers.

The invention that is set forth in claims 3 and 4 does not involve an inventive step in the light of document 1, document 2 and document 3 cited in the international search report. It would be easy for a person skilled in the art to apply the EGR cooler that is taught in document 3, wherein tubes formed so as to have a center line that is in one plane and curves with the same waveform are disposed in parallel so that the phases of the waveforms of the tubes in each row correspond, to the device that is disclosed in document 1.

The invention that is set forth in claim 5 does not involve an inventive step in the light of documents 1-3 and document 4 cited in the international search report. It would be easy for a person skilled in the art to apply the invention that is taught in document 4, wherein the cooler is disposed at an angle in order to prevent corrosion, to the device that is disclosed in document 1.

It would be easy for a person skilled in the art to configure the invention that is set forth in claims 6-8 by applying the invention that is disclosed in document 5, which is equipped with a member comprising a tube (24) supporting part that is formed so as to have a grooved cross section, to the device that is disclosed in document 1.